~~Sl. No 153~~ Sl. No 153

1950-51 **File No.** 384/48 VII

P.W **DEPARTMENT**

B CLASS. E **BRANCH** (I)

Subject:— Bombay Public Service Commission Orders regarding — (7)

B/K/1953

VII

File No. 384/48 — E Bv. (1)

Std. Sectt. Slip. 21 A

Std. Sectt. 78 a.

G.R., G.D., No. 2408, dated 22-6-22.]

Correspondence

DOCKET SHEET

Subject :—

File No. 384/48 VII

P. W. DEPT.

E BRANCH. (I)

References :—

Copies of pges from the main file B[M]

Date.	To whom sent.	Notes and instructions.

No.8(1).
Bombay Public Service Commission,
P.W.D. Secretariat,
Bombay No.1, 6th September 1950.

From

The Secretary,
Bombay Public Service Commission.

To

The Secretary to the Government of Bombay,
Public Works Department, Bombay.

Sir,

I am directed to refer to the Superintending Engineer, Southern Circle's Notifications No.G-38, dated the 4th August 1950 and the 5th August 1950, regarding the transfer of temporary Deputy Engineers, a copy of which has been endorsed to the Commission, and to state that, according to the orders issued in Government letter, Political and Services Department, No.2048/34-19312, dated the 20th July 1948, read with Government Circular, Political and Services Department, No.2048/34, dated the 4th March 1949, copies of notifications only in respect of fresh appointments within the purview of the Commission have to be endorsed to them. Copies of notifications regarding mere transfers which do not involve promotions to posts within the purview of the Commission are not required to be so endorsed. Suitable instructions may be issued to the Superintending Engineers in this regard. Suitable instructions may also be issued to ensure that, when copies of orders are forwarded to the Commission, they are accompanied by the information indicated in Government Circular, Political and Services Department, No.2048/34, dated the 4th March 1949.

Yours faithfully,

Sd/-
4/9/50.
SECRETARY,
Bombay Public Service Commission.

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384/48
73658

P.W.D.

E.B.(I).

The S.E., S.C., has endorsed to the Bombay Public Service Commission copies of his notifications No.G.38, dated the 4-8-50 and the 5-8-50, re: transfers of tempy. Dy. Engrs. from one Sub-Dn. to another. The Commission in their letter under disposal have objected to the S.Es. action and have requested that suitable instructions may be issued to the S.Es. in this regard.

2. According to the orders contained in the G.L., P. & S.D., No.2048/34/19312, dated the 20-7-48, and P. & S.D. Circular No.2048/34, dated the 4-3-49, copies of orders re: only fresh appointments made to the posts lying within the purview of the Commission, along with the relevant information, are to be endorsed to them (Commission). These copies are not to be endorsed by the local officers but by the Sectt. Deptt. concerned. Accordingly the local officers under this Deptt. have been asked to forward copies of such orders, along with the relevant information, to Govt. in this Deptt. - vide G.Ls. No.678/48-E(I), dated the 29-4-49, and No. 2145/36-E(I), dated the 6-10-49. Copies of the orders Re: mere transfers of officers from one post to another which do not involve fresh appointments either by promotion or by direct recruitment are not required to be furnished to the Bombay P.S.C. The S.E., S.C., may be informed accordingly as per draft put up for approval.

Id/-
5/10/50.

D.S.

Id/-
5/10/50.

5

384/48.

Letter.

No.384/48-E(I).

P. W. D.,
B. C (Bombay No.1),
7th October 1950.

To
The S.E., S.C.

Subject: Appointments made to the Posts lying within the purview of the Bombay Public Service Commission.

Information re: the mere transfers of officers, who are appointed through or in consultation with the Bombay P.S.C., from one post to another post is not required to be furnished to the Commission. Your action in endorsing to the Bombay P.S.C. copies of your notifications No.G.38 dated the 4-8-50, and the 5-8-50, re: transfers of tempy. Dy. Engrs. from one post to another post is not therefore correct as the tempy. Dy.Engrs. in question are appointed through or in consultation with the Bombay P.S.C. Copies of the notifications or orders only in respect of fresh appointments made to the posts lying within the purview of the Bombay P.S.C. are required to be furnished to that body. (Such appointments are made by you by promotion of the members of the Subordinate Service of Engineers Cadre as officiating Deputy Engrs. in virtue of the powers delegated to you by G.R. No.2145/36 -XV, dated the 26th August 1950). Copies of such notifications and orders, along with the relevant information(in duplicate) are, however, to be forwarded to Govt. and not to the Bombay P.S.C. direct - vide G.Ls., P.W.D., No.678/48-E(I), dated the 29-4-49, and No.2145/36-E(I), dated the 6-10-49. This should please be noted for the future.

By order of the G. of B.

Dy. Secy. to the G. of B.,
P.W.D.

D.A.-Nil

Copy forwarded to -

the Elecl. Commr. with the Govt. of Bombay,
other S.Es. of Circles,
the Elecl. Engr. to Govt.,
the P.H.E. to Govt.,

for information and guidance.

.....

Copies forwarded to the Secretary, Bombay Public Service Commission, for information with reference to his letter No.8(1), dated the 6-9-50.

Id/-
5-10-50.

7

Communication of the opinion of the Public Service Commission to the officers concerned in disciplinary cases.

GOVERNMENT OF BOMBAY.
Political and Services Department.
Circular Memorandum No.1869/34.
Bombay Castle, 8th January 1951.

CIRCULAR MEMORANDUM.

Recently the Bombay Public Service Commission brought to the notice of Government a case in which its opinion in a disciplinary case was not communicated to the officer concerned though it was necessary to do so under rule 6 of the Bombay Public Service Commission (Functions) Rules, 1947. The attention of all Departments of the Secretariat (except the Separate Department) is invited to the provisions of rule 6 of the Bombay Public Service Commission (Functions) Rules and they are requested to see that the requirement of that rule is strictly carried out in all cases.

By order of the Governor of Bombay,

M.D. BHAT,

Chief Secretary to the Government of Bombay,
Political and Services Department.

To

All Departments of the Secretariat. (except the Separate Department.)

Copy forwarded with compliments to the Secretary, Bombay Public Service Commission, with reference to this letter to the Revenue Department No.1209, dated the 12th August 1950.

9

CONFIDENTIAL.

D.O. No.2048/34-D
Political and Services Department
Bombay Castle, 8th February 1951.

My dear Bedekar,

Recently a Department wrote to the Public Service Commission asking it to reconsider the opinion expressed by it in a case of promotion referred to it. While declining to reconsider its opinion the Commission enquired of this Department whether the particular reference made to it by the department had the approval of Government. On enquiry it was found that the file had neither been shown to the Political and Services Department as required by instruction 6 of the Instructions to regulate the procedure to be followed by the Departments of the Secretariat in their ~~dai~~ dealings with the Public Service Commission nor had it been submitted to the Honourable Minister concerned and Honourable the Chief Minister. This Department and Government were therefore placed in an embarassing position in answering the enquiry of the Commission. It is essential that such occasions should be avoided. I am therefore to request that you will be so good as to issue specific instructions to your Department including the officers to see that the instructions laid down for regulating the procedure to be followed by the Secretariat Departments in their dealings with the Commission are scrupulously followed and the files are shown to the Political and Services Department as required by these instructions whenever a reference to the Commission is made. They may also be asked to see that all files relating to matters of appointment and conduct of gazetted ~~fa~~ officers are submitted to the Honourable Minister concerned and the Honourable the Chief Minister before a reference to the Commission is made in such cases.

Yours sincerely,

Sd/-

(M.DESAI)

Shri G.V. Bedekar, I.C.S.
Secretary to Government,
Public Works Department.

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D.O. No.2048/34-D,
Political and Services Department,
Bombay Castle, 24th April 1951.

My dear Bedekar,

As you are aware Government is very particular that reference to the Public Service Commission in regard to appointment to posts lying within its purview should be made at the proper time and this Department has issued several orders to ensure that the Departments observe this requirement scrupulously. Government, however, regrets to notice that despite all its efforts cases still continue to occur in which reference to the Commission is delayed and that body has to find fault with the procedure adopted by Government in making appointments. It appears that much of the delay is due to slackness of the supervision exercised by the Secretariat Departments on the Heads of Departments who have been authorised to make short-term appointments to posts within the Commission's purview and who are generally not quick in reporting to Government the appointments made by them. Government therefore considers that the procedure according to which Heads of Departments are authorised to make appointments to posts within the purview of the Commission, should be tightened up and that the Departments should evince greater vigilance in checking the appointments made by the Heads of Departments in exercise of the powers delegated to them. I am therefore to request that you will kindly take immediate action on the following lines:-

1) 2)

You will please issue instructions to the Heads of Departments under the administrative control of your Department who might have been authorised to make short-term appointments to posts within the Commission's purview to report to Government the appointments made by them with full details regarding them as soon as it becomes clear that any particular appointment is likely to exceed the period for which he is authorised to make it. Other Heads of Departments who have not been specifically authorised to make such short-term appointments but may make such appointments in emergencies in anticipation of Government approval may be asked to report to Government the appointments made by them with full details regarding them immediately they are made. I am to request that you will be so good as to issue necessary instructions with the least possible delay and will also make sure that the officers concerned are carrying out the instructions scrupulously. The Officers may be told that submission of the requisite reports should be treated as their personal responsibility and that Government will be constrained to take serious notice if there is any omission on their part.

As I have mentioned earlier, it is also necessary that the Secretariat Departments should exercise greater vigilance in checking appointments made without consultation with the Public Service Commission. I am to invite a reference in this connection to the Political and Services Department Circular No.2048/34, dated the 13th June 1949 and my demi-official letter No.2048/34-D, dated the 4th/5th July 1950. It is presumed that your Department is preparing the quarterly statements of appointments made without consultation with the Public Service Commission and that you are checking them personally. You may not instruct your Department to forward to this Department every three months a copy of the statement prepared by them as soon as it is checked by you. The statement may be forwarded to this Department by the end of the month in which it is prepared.

Yours sincerely,
Sd/-
(M.D. Bhat) (P.T.O.

12

To

Shri G.N. Bedekar, I.C.S.
Secretary to Government,
Public Works Department.

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E.Br. P.W.D.

Inspite of several instructions issued by this Deptt., vide G.Ls. No.2145/36-E(I), dt. the 11.12.47, No.2145/36-E(I), dt. the 10-8-48 and No.1244/36-E(I), dt. the 15-10-48, cases of apptts. os Overseers, Supervisors and Jr. Engrs. as offg. Dy. Engrs. made by the local Officers in virtue of the powers delegated to them for making such apptts. are still coming to out notice which were not reported by them to Govt. within the prescribed time, and consequently it has not been possible to fulfil the requirement of consulting the B.P.S.C. in proper time in regard to such apptts. Quite recently, there was a case regarding the apptt. of Shri. K.N. Kulkarni, El. Supervisor, as offg. Dy. Engr. made by the El. Engr. to Govt. which was not submitted to Govt. in time for obtaining approval of the B.P.S.C., vide G.L. No. 2145/36-E(I), dated the 16-3-51, addressed to the B.P.S.C.

2. In 1942, the local officers were authorised to make offg. apptts. for a period which did not exceed or was not likely to exceed one year, vide G.R. No.2145/36, dt. the 7-5-42. This period was reduced to six month, vide G.R.No.2145/36, dt. the 5-2-49 and it has been further reduced to three months, vide G.R. No.2145/36-XV, dt. the 26-8-50. The local Officers have also been requested that, as soon as it becomes clear that an offg. apptt. is likely to exceed three months, the case should be submitted to Govt. for approval.

3. In G.C. No.384/48, dt. the 16-8-49, the local Officers have been requested to submit every three months a statement showing apptts. made by them during that quarter. It is, however, seen from the statements recd. in this office that the local officers report only the apptts. made by them during the quarter, without scrutinising such apptts. made by them previously. There is thus no mention in those statements re: the apptts. made during the previous quarters, i.e., whether the officers appointed during the previous quarters have been reverted or continued further and if so, whether their cases have been submitted to Govt. for approval. The local officers may, if approved, be requested specifically to include this information in their quarterly statements.

4. The instructions at 'A' in the Ch. Secy's D.O. within are noted. The consolidated statement prepared by this office every three months will, in future, be forwarded to the P. & S.D.

Id/-
5/5/51.

Id/-
5-5-51. Best alternative would be to include in the quarterly statement the names of all officiating Dy. Engrs. whether appointed in that or the previous quarters.

Id/-
5/5/51.

D.S.

Id/-
5/5/51.

C.E.

Id/-
5/5/51

Secy.

E.Br.

Resubmitted.

2.The necy. draft Cir. is put up which may issue, if approved.

Id/-10/5/51 Id/-10/5/51 Id/-10/5/51.

STATEMENT 'B'

Statement showing continuing appointments to the posts lying within the purview of the Bombay Public Service Commission without consulting that body for the quarter.

Serial No.	Post or service to which the appointment is made.	Name and designnation of person appointed.v	Nature of appointment i.e. whether by promotion or by direct recruitment.	Date of appointment & reference to first mention thereof on statement A.	Whether the case was submitted to Govt. within the prescribed time as promised in Col.7 of the statement 'A' and if so, the No. and date of Government orders.	If the case was not submitted to Government the reasons thereof.	REMARKS
1	2	3	4	5	6	7	8

Id/-
10/5/51.

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'Appointments made without consulting the Bombay Public Service Commission.

Govt. of Bombay,
P.W.D.
Circular No.384/48.
B.C. (Bombay No.1),

11th May 1951.

In G.R. No.2145/36-XV, dt. the 26-8-1950, the C.E., Bombay El. Grid, the S.Es. of Circles, the El. Engr. to Govt. and the P.H.E. to Govt., have been authorised, within their jurisdiction, to make offg. appointments of Asstt. Engrs. and By. Engrs. in the General Provincial Service or in the Bombay Service of Engrs., Cl. II, as the case may be, from amongst the members of the S.S.E. cadre for a period not exceeding 3 months in each case. It has also been directed that, whenever it is felt that any offg. appointment is likely to exceed or is required to be continued beyond a period of 3 months, the case should be refd. to Govt. for approval, with full facts of the case and with the usual information in the prescribed form. Govt., however, regrets to notice that despite clear instructions cases continue to occur in which a reference to the B.P.S.C. is delayed and that body has to find fault with the procedure adopted in making appointments. Govt. is, therefore, pleased to direct that, as soon as it becomes clear that the offg. appointment is likely to continue beyond a period of 3 months a report should be made to Govt. as directed in the G.R. refd. to above. The submission of the requisite report will be treated as the personal responsibilites of the local officers and Govt. will be constrained to take serious notice if there is any omission on their part.

2. In accordance with the orders issued in G.C., P.W.D., No.384/48, dt. the 16-8-1949, the local officers are submitting to Govt. every three months a statement showing appointments made during the quarter to the posts lying within the purview

of the B.P.S.C. without consulting that body. The form prescribed in the G.C. should be treated as "Statement 'A'. With a view to ensuring that cases of persons already appointed do not escape notice, the C.E., Bombay El. Grid, the S.Es. of Circles, the El. Engr. to Govt. and the P.H.E. to Govt. are requested to prepare a statement in the accompanying form (statement 'B') every three months and submit it along with the quarterly statement 'A'. The statement 'A' would include information only in respect of fresh appointments actually made during a particular quarter, while the statement 'B' should include complete information in respect of all offg. appointments continued during the quarter from the previous quarters.

3. The first statements on the above lines should be prepared for the period from April to June 1951 and submitted to Govt. (in duplicate) not later than the 15-7-1951.

By order, etc.

Dy. Secy. to Govt.

To

The P. & S.D. (with ref. to the Ch.Secy's D.O. letter No.2048/34-D, dated the 24/4/51).

The Ch. Engr., Bombay El. Grid.
The S.Es. of Circles.
The El. Engr. to Govt.
The P.H.E. to Govt.

Id/-
10/5/51.

E.B. P.W.D.

The instructions refd. to in the Cir. are noted.

Thro: F.B.

Id/-
13/8/51.

Id/-
3/8/51
D.S

Id/-
13/8/51.

Confidential records of Government servants.
Supply of - to the Public Service Commissions or Governments of other States.

GOVERNMENT OF BOMBAY.

Political and Services Department.

Circular No.8957/46.

Bombay Castle, 27th July 1951.

CIRCULAR OF GOVERNMENT.

It is possible that some of the persons who are employed in service under this Government may apply for posts under the Governments of other States in India. Such persons will have applied for the posts in question through the proper channel and in case their applications are forwarded by the appropriate authority the recruiting authrority in the State concerned in most of the cases this may be the Public Service Commission of the State concerned - may ask for their confidential records. All Departments and offers under this Government are informed that in such cases whenver the Public Service Commissions or the recruiting authorities in other States ask for the confidential records of the employees of this Government there would be no objection to supplying them and that they should be supplies to them forthwith accordingly.

By order of the Governor of Bombay

M.D. BHAT,

Chief Secretary to the Government of Bombay,
Political and Services Department.

P.W.D.

To

The Secretary to the Governor,
The Secretary to the Honourable the Chief Minister,
The Secretary, Bombay Public Service Commission,
All other Heads of Departments and Heads of Officers under the several Departments of the Secretariat,
All Departments of the Secretariat.

No. of 1951.

Copy forwarded for information and guidance to.

(P.T.O.

Promotion to higher posts or Services.

Consultation with the Bombay Public Service Commission with regard to.....

GOVERNMENT OF BOMBAY,
Political and Services Department,
- Circular No.2048/34,
Bombay Castle, 30th August 1951.

CIRCULAR OF GOVERNMENT.

Sometimes an officer who has been appointed by promotion in an officiating capacity to a higher post or service in consultation with the Public Service Commission has to be reverted owing to the absence of a vacancy in the higher post or service. When such an officer is again promoted a fresh reference to the Commission is necessary as a new appointment is involved and it is usual for the Departments to make such references to the Commission. The Commission has however observed that in such a case a fresh reference to it is likely to be purely formal if the break was of very short duration and if it had not imposed any condition when recommending the officer for promotion. It has accordingly suggested that an unconditional recommendation made by it in favour of the promotion of an officer may be deemed to cover his re-appointment to the same post or service within a period of six months from the date of reversion provided that the reversion is reported to it when it occurs and it is certified by the appointing authority at that time that the reversion is due solely to the absence of a vacancy and that it is intended to re-appoint the officer to the post or service concerned as soon as a vacancy becomes available. Government is pleased to accept the suggestion made by the Commission and to direct that when an officer who has been promoted to a higher post or service with the unconditional approval of the Commission reverts solely for want of a vacancy, the Department concerned should forthwith report the reversion to the Commission with a certificate that the reversion is due solely to the absence of a vavancy and that it is intended to re-appoint the officer to the post or service concerned as soon as a vacancy occurs

occurs and should not consult the Commission again for re-appointing the officer to the post or service in question if the re-appointment is within a period of six months from the date of his reversion. Government is also pleased to direct that in case however the officer is re-appointed after a period of six months from the date of his re-version or if the certificate about his reversion on the sole ground of absence of vacancy etc. is not communicated to the Commission at the time of reversion the normal procedure of making a fresh reference to the Commission should be followed.

By order of the Governor of Bombay,

M.D.Bhat,

Chief Secretary to the Government of Bombay,
Political and Services Department.

To

All Departments of the Secretariat (except the Separate Department).

Copy forwarded with compliments for information to :-

The Secretary to the Governor,

The Secretary to the Honourable the Chief Minister,

The Secretary, Bombay Public Service Commission (with Reference to his letter No.8(I), dated the 18th August 1951).

Secy. DS.

384/48
77387

E.Br. P.W.D.

Submitted for information.

2. The instructions contained in the P. & S.D. Cir. within are noted.

Id/-
15/9/51.

Id/-
15/9

Id/-
17/9/51.

Copies may be probably. be sent to this S.Bs.

Id/-
16/9/51.

E.Br.

Resubmitted with refer. to the C.B's note above.

2. The draft put up may issue if approved. Id/-19/9/51. Id/-19/9

384/48
77387

Below copy of G.C., P. & S.D., No. 2048/34, dated the 30-8-51.

Bi,384/48-E.

P.W.D.
B.C. (Bombay No.1),
21st Sept., 1951.

Copy forwarded to -

the C.E., Bombay El. Grid,

The S.Es. of Circles,

the P.H. E. to Govt.,

the El. Engr. to Govt.,

for information and guidance.

By order, etc.

Asstt. Secy. to the G. of B., P.W.D.

Id/-
19/9/51.

25

P.W.D.

P.- & S.D.3558/34/34907
64687

COPY.

No.914(II).
Bombay Public Service Commission.
Bank of India Building, Mahatma
Gandhi Road, Bombay No.1.
16th July, 1951.

From,

The Secretary,
Bombay Public Service Commission.

To

The Chief Secretary to the Government of Bombay,
Political and Services Department.

Sir,

I am directed to state that the Commission invited applications for four posts of Deputy Engineers under the Milk Commission in April last. The last date for the receipt of applications was the 12th June 1951. On the 10th July 1951, almost a month after the prescribed date, the Commission have received an application from a candidate serving under the Eecutive Engineer, Bijapur Division. The application is dated the 24th May 1951 and was forwarded by the Executive Engineer to the Superintending Engineer, Southern Circle, on the 25th May 1951. The application was not passed on to the Commission till the 7th July 1951. The reason given by the Superintending Engineer is that the remakrs of the Executive Engineer on the form prescribed in Government Resolution, Political and Services Department, No.3558/34, dated the 22nd April 1948, had not been sent by the Executive Engineer and had to be obtained from him separately. It should have been possible to pass on the application to the Commission in advance of the remakrs and in any case there was no justification for the delay of more than a month which occurred between the initial receipt of the application in the office of the Superintending Engineer, and its transmission to the Commission. It has already been explained that the Commission that the Commission are seriously inconvenienced by the late

late transmission of applications by Heads of Departments, since it interfers with the orderly consideration of the applications on a comparative basis. The contravention of the instructions in Government Circular No.3558/34, dated the 18th September 1950, in this case is accordingly brought to the notice of Governmant for such action as may be deemed necessary.

Yours faithfully,

Sd/-
Secretary,
Bombay Public Service Commission.

P. & S.D. /A.Br.

Submitted for information.

2. The P.W.D. the admn. Department concerned, may see u.o.

3. So far as this Deptt. is concerned the general orders issued in the matter are sufficiently clear and no reiteration of those orders seems necessary.

Sd/-
24/7/51

Id/-
24/7 D.S.

U.O.R. to P.W.D. dated the 28-7-51.

P.W.D.
F.

These papers may be returned to the P. & S.D. after keeping copies of pages 1-3 for necessary action.

Through E.Br. Sd/-
28/7/51.

Id/-K.V.J(oglekar),
30/7/- D.S.

U.O.R. to the P. & S.D., dated the 2nd Aug. 1951.

384/48

P.W.D.
E.

The B.B.S.C. have complained that they are seriously inconvenienced by the late transmission of applicns. by Heads of Deptts., since it intereferes with the orderly consideration of the applications on a comparative basis. The attention of the local officers may be invited to G.C., P. & S.D. No.3558/34, dt. the 18-9-50, & they may be requested to forward the applicns. of candidates in the form prescribed in G.R., P. & S.D., No.3558/34, d. the 22-4-1948 as soon as recd. The draft Cir. put up may issue, if approved.

Id/-
22-8-51.

D.S.

Id/-
23-8-51.

Bombay Public
Service Commission:
Forwarding of application to.

Government of Bombay.
Public Works Department.
Circular No.384/48.
Bombay Castle (Bombay No.1),
24th August 1951.

GOVERNMENT CIRCULAR.

It has been brought to the notice of this Department that owing to delay on the part of certain local officers of the Public Works Department, a number of applications of Government servants applying for posts advertised by the Bombay Public Service Commission reach that body long after the last date prescribed for the receipt of the applications. The Commission have also complained that they are seriously inconvenienced by the late transmission of applications by Heads of Departments, since it interfers with the orderly consideration of the applications on a comparitve basis. In this connection, the attention of the local officers is invited to the orders issued in Government Resolution, Political and Services Department, No.3558/34. dated the 22nd April 1948, and Government Circular, Political and Services Department, No. 3558/34, dated the 18th September 1950, and they are requested to see that such applications are transmitted to the Bombay Public Service Commission along with the form prescribed in Government Resolution, Political and Services Department, No.3558/34, dated the 22nd April 1948, duly filled in, in due time.

By order of the Governor of Bombay,

Sd/-
24/8/51

(K.V. Joglekar,
Deputy Secretary to Government.

To
The Chief Engineer, Bombay Electric Grid.
The Superintending Engineers of Circles.
The Public Health Engineer to Government.
The Electrical Engineer to Government.
The Architect to Government.
The Director, Development Department Chawls.
All Executive Engineers of Divisions.

No. of 1951.

Copy forwarded for information and guidance to

POLITICAL AND SERVICES DEPARTMENT.

Bombay Castle, 11th October 1951.

CONSTITUTION OF INDIA.

No.1763/34.- In exercise of the powers conferred by the proviso to clause (3) of article 320 of the Constitution of India, and in supersession of the regulations published in Government Notification, Political and Services Department, No.1763/34, dated the 1st April 1943, the Governor of Bombay, is hereby pleased to make the following regulations, namely:-

1. These regulations may be called the Bombay Public Service Commission (Consultation) Regulations 1951.

2. In these regulations unless there is anything repugnant in the subject or context -

(a) "Constitution" means the Constitution of India.

(b) " Commission" means the Bombay Public Service Commission

(c) " Government " meanst the Government of Bombay.

(d) " Governor" means the Governor of Bombay.

(e) " Schedule" means the Schedule appended to these regulations.

3. It shall not be necessary to consult the Commission in any of the matters specified in paragraphs (a) and (b) of clause (3) of article 320 of the Constitution in respect of -

(a) the posts and services specified in the Schedule, and

(b) temporary appointments to all other posts and services for a period not exceeding or not likely to exceed-

(i) four months, in the case of posts in the Subordinate Secretariat Service (Ministerial Branch) including the subordinate staff in the Directorate of Publicity, Junior Translators, Supervisors Scrutinizers Directorate of Publicity, Junior, Translators, Supervisors, Scrutinizers (English Branch) Assistant to the Oriental Translator to Government and the other clerical staff in the office of the Oriental Translator to Government and the staff of the Record Office, if no candidate from the Select List prepared by the Commission is available for appointment; of

(ii) one year in any other case .

4. It shall not be necessary for the Commission to be consulted in making promotion in the Subordinate Secretariat Service (Ministerial Branch) including the subordinate staff in the Directore of Publicity, the clerical staff in the office of the Oriental Translator to Government and the staff of the Record Office, in making transfers within the said service and on the suitability of candidates for such promotions or transfers, or in making promotion to *

4-A. New Regulation inserted vide S.N., P.&S.D. No.1763/36, dated the 27.11.52.

5. It shall not be necessary for the Commission to be consulted in any of the matters specified in paragraphs (a), (b) and (c) of clause (3) of Article 320 of the Constitution in respect of the posts of Inspectors of Excise, Group II, except with regard to appointments to such of the said posts as are not filled by the Director of Prohibition and Excise by promotion within the Department.

6. It shall not be necessary to consult the Commission in any matter relating to Commissioned Officers of the Armed Forces of India holding Civil posts in connection with the affaris of the State of Bombay.

7. It shall not be necessary for the Commission to be consulted in making promotion in the Subordinate Civil Service.

8. It shall not be necessary for the Commission to be consulted regarding the suitability of a candidate to be appointed in any country other than India to a post or service, unless applications for the same post or service have also been invited in the State of Bombay.

* Vide P. & S.D. Notification No. P.S.C.1153, dt. the 7-12-53 forwarded under P. & S.D. under No.PSC 1153-D, dt. th[illegible] 8-2-54 (PNE [illegible]54) 2158

9. It shall not be necessary for the Commission to be consulted in respect of any orders passed under the Bombay Civil Service (Safegarding of National Security) Rules, 1955 ⊠

⊠ Vide P. & S.D. Notification No.PSC 1155, dt.the 10.1.56 (F.No.553/ 19226).

10. It shall not be necessary for the Commission to be consulted on a disciplinary matter by any authority other than Government.

11. It shall not be necessary for the Commission to be consulted -

(i) before Government passes in original Ofer.-

(a) of censure,

(b) withholding an increment or promotion, including stoppage as an efficiency bar, or

(c) placing an officer under suspension,

of

(ii) if it is proposed to impose any other penalty, until the case is ready for final decision.

12. It shall not be necessary for the Commission to be consulted by Government on an appeal from, or a memorial against, an order os suspension pending enquiry into charges against the person suspended.

13. It shall not be necessary for the Commission to be consulted before an order is passed rejecting a memorial or petition in a disciplinary case, where the memorialist or petitioner has or had a right of appeal against the order which is the subject of the memorial or petition.

14. It shall not be necessary for the Commission to be consulted in any case -

(a) relating to the termination of the services of an officer on probation if the termination is on grounds arising out of the specific conditions laid down bt the appointing authority e.g., want of vacancy, failure to acquire prescribed special qualifications or to pass prescribed test;

(b) .....

(b) Relating to the discharge or reversion of an officer otherwise than as penalty;

(c) relating to the termination of the employment of an officer in accordance with ther terms of his contract of exployment save, when employment is terminated for misconduct;

(d) relating to the imposition of any penalty laid down in any rule or order for failure to pass any test or examination within a specified time; or

(e) in which the Commission has, at any previous stage, given advice as to the order to be passed and no fresh question has thereafter arisen for determination.

15. It shall not be necessary for the Commission to be consulted in any disciplinary matter relating to the posts of supervisors, Inspectors and Assistant Inspectors in the Motor Vehicles Department, the Subordinate Secretariat Service (Ministerial Branch) including the subordinate staff in the Directorate of publicity, Junior Translators, Supervisors, Scrutinizers (English Branch), Assistants to the Oriental Translator to Government and the other clerical staff in the office of the Oriental Translator to Government and the staff of the Record Office and the posts and services specified in the Schedule.

16. Nothing in the foregoing Regulations shall be construre as preventing Government from initiating proceedings in disciplinary matters without consulting the Commission.

THE SCHEDULE.

1. All services and posts, which are filled by the appointment of-

(a) "Cadre officers" as defined in the Indian Civil Administrative Cadre Rules, 1950, and the Indian Police Cadre Rules, 1950, and

(b) officers of the former Secretary of State's Services who have continued in service under Government after the 15th August 1947.

2. All posts on the personal and secretarial establishment of His Excellency the Governor.

3. Promotion posts in the Indian Administrative Service and Indian Police Service.

4. The Sheriff of Bombay.

5. Honorary posts of Medical Officers.

6. The Advocate General.

(i) The Solicitors to Government.

(ii) The Public Prosecutor for Bombay.

(iii) The Assistant Public Prosecutorfor Bombay.

8. (i) The Government Pleader, High Court, Bombay.

(ii) The Assistant Government Pleaders, High Court, Bombay.

9. The Government Pleader in the City Civil Court, Bombay.

10. The Government Advocate in the Court of Small Causes, Bombay.

11. (i) The District Government Pleaders and Public Prosecutors.

(ii) The Assistant Government Pleaders and Assistant Public Prosecutors.

(iii) The Honorary Assistant to District Government Pleaders.

(iv) The Sub-Government Pleaders.

12. The Official Assignee, the Deputy Official Assignee, the First Assistant to the Official Assignee and the Second Assistant to the Official Assignee, Bombay.

13. All posts on the staff attached to the High Court, Bombay, appointments to which are made by the Chief Justice of the said High Court under clause (1) of article 229 of the Constitution.

14. Part-time Professors in the Government Law Collage, Bombay.

15. The President of the Industrial Court, Bombay, where his

appointment .....

his appointment is made from persons who are or have been the Judges of High Courts in India.

16. The President and members of the Bombay Co-operative Tribunal,

16-A. The Chairman and non-official member of the Bombay Revenue Tribunal.

X Additions made vide G.N., P.&.S.D., No.1763/34, dt. the 10.7.52 (384/48/82754) P.73 post.

16-B. Th President and Members of the sales Tax Tribunal.

17. The Member or Chairman of a Tribunal constituted under the Industrial Disputes Act, 1947.

18. (i) The Director of Publicity.

(ii) The Deputy Director of Publicity.

(iii) The Assistant Directors of Publicity.

(iv) The News Editor.

(v) The Assistant News Editor.

(vi) The Information Officer.

(vii) The Assistant Information Officer.

(viii) The Field Publicity Officer.

Additions made vide G.N., P. & S.D., No.1763/34, dated the 1.5.53 (384/48/63435).

19. The Secretary to the Honourable the Chief Minister.

20. Junior Lecturers in the Medical College, including the C.E.M. Dental College, Bombay.

20-A- : *

21. All others services and posts to which appointmets are made by authorities subordinate to Government ecept -

(a) the Subordinate Secretariat Service (Ministerial Branch) including -

(i) the Upper Division in that service (so far as recruitment to it is not made by promotion from ~~xbxix~~ within the Department);

(ii) The Lower Division in that service:

(iii) The subordinate staff in the Directorate of Publicity;

(iv) Junior Translators and the clerical staff in the office of the Oriental Translator to Government;

(v) Supervisors and Scrutinizers in the English Branch of the office of the Oriental Translator to Government;

(vi) Assistants to the Oriental Translator to Government (so far as recruitment is not made by promotion of Senior Translators);

(vii) the staff of the Record office;

(viii) (a) Stenographers to Secretaries to Government (so far as recruitment to these posts is not made by promotion from within the Department);

(b) (b) the posts of District Inspectors of Land Records and Assistant Consolidation Officers;

(c) the posts of Inspectors of Excise, Group II, so far as these posts are not filled by the Director of Prohibition and Excise by promotion within the Department

(d) the posts of Jailors in Group I as are not filled by the Inspector General of Prisons by promotion from Jailors in Group II;

(e) the posts of Assistant Managers in Government Presses;

(f) the posts of Supervisors, Inspectors and Assistant Inspectors in the Motor Vehicles Department so far as these posts are not filled by the State Transport Officer by promotion;

(g) the posts of Superintendents of Minor Certified Schools.

By order of the Governor of Bombay,

M.D. BHAT,

Chief Secretary to Government.

Substituted vide G.N., P. & S.D., No.1763/34, dated the 27.11.52.

* 20 A. The Chief Instructor, Central Training Headquarters of the Home Gaurds".

(* 20-A Inserted as per orders issued in G.N.P. & S.D. No. PSC-1155-D dt. 9 -5-55).

POLITICAL AND SERVICES DEPARTMENT.

Bombay Castle, 10th July 1952.

BOMBAY PUBLIC SERVICE COMMISSION (CONSULTATION) REGULATIONS,1951.

No.1763/34-. In exercise of the Powers conferred by the proviso to clause (3) of Article 320 of the Constituion of India, the Governor of Bombay is hereby pleased to amend the Bombay Public Service Commission (Consultation) Regulations, 1951, as follows:-

(In the Schedule to the said Regulations for item 16, the following shall be substituted, namely:-

"16. The President and members of the Bombay Co-operative Tribunal.

16-A. The Chairman and non-official member of the Bombay Revenue Tribunal."

By order of the Governor of Bombay,

M.D. BHANSALI,

Chief Secretary to Government.

POLITICAL AND SERVICE DEPARTMENT

Bombay Castle, 1st May 1953.

BOMBAY PUBLIC SERVICE COMMISSION (CONSULTATION) REGULATIONS,1951.

No.173/34.- In exercise of the powers conferred by the proviso to clause (3) of Article 320 of the Constitution of India, the Governor of Bombay is hereby pleased to amend the Bombay Public Service Commission (Consultation Regulations, 1951, as follows:-

In the Schedule to the said Regulations after item 16-A, the following new item shall be inserted, namely:-

"16-B. The President and Members of the Sales Tax Tribunal."

By order and in the name of the
Governor of Bombay,

M.D. BHANSALI,
Chief Secretary to Government.

Copy forwarded with compliments for information to -

The Secretary to the Governor,
The Secretary to the Chief Minister,
The Secretary, Bombay Public Service Commission,
The Accountant General, Bombay,
The Prothonotary and Senior Master, High Court, Bombay (by letter),
The Registrar, High Court, Appellate Side, Bombay (by letter
All other Heads of Departments under the several Departments of the Secretariat,
The Finance Department,
All other Departments of the Secretariat.